

**MINUTES OF A REGULAR MEETING OF  
THE ENVIRONMENTAL QUALITY AND  
ENERGY CONSERVATION COMMISSION**

**1. CALL TO ORDER**

The Torrance Environmental Quality and Energy Conservation Commission convened in a regular session at 7:03 p.m. on Thursday, October 4, 2007 in the West Annex meeting room at Torrance City Hall.

**2. ROLL CALL:**

Present: Commissioners Chim, Decker, Gobble, Griffiths, Reilly, Watson, and Chairperson McCabe.

Absent: None.

Also Present: Deputy Community Development Director Cessna, Senior Environmental Quality Officer Jones, Animal Control Staff Assistant Wren, and Animal Control Officer D'Amico.

**3. SALUTE TO THE FLAG**

The Pledge of Allegiance was led by Commissioner Reilly.

**4. POSTING OF THE AGENDA**

**MOTION:** Commissioner Decker, seconded by Commissioner Reilly, moved to accept and file the report of the secretary on the posting of the agenda for this meeting; a voice vote reflected unanimous approval.

**5. ORAL COMMUNICATIONS FROM THE PUBLIC**

None.

Chairperson McCabe explained policies and procedures of the Environmental Quality and Energy Conservation Commission, including the right to appeal decisions to City Council.

**6. APPROVAL OF MINUTES**

**6A. MEETING OF SEPTEMBER 6, 2007**

Commissioner Griffiths offered the following correction: Page 1, Item 5, line 5: "She advised that copies are available for \$5.00 at the Community..."

**MOTION:** Commissioner Reilly, seconded by Commissioner Watson, moved for approval of the September 6, 2007 Environmental Quality and Energy Conservation Commission meeting minutes as corrected; a voice vote reflected unanimous approval (with Commissioners Chim and Gobble abstaining)

**7. SIGN HEARINGS**

None.

**8. ANIMAL MATTERS**

Considered following Item 9A. It was noted that appellant, Ryan Brennan, had requested a continuation but was present at this meeting. Mr. Brennan indicated that he wanted to move forward with the item and Commissioners concurred.

**9. ENVIRONMENTAL MATTERS**

**9A. PRESENTATION OF GREEN PRIDE AWARDS**

Deputy Director Cessna suggested that this item be taken out of order.

Senior Environmental Quality Officer Jones reported that of the 46 City dry cleaning establishments, ten are using a hydrocarbon-based cleaning system that is cost effective, less toxic, and biodegradable. The following establishments were recognized and awarded Green Pride Awards for using the environmentally-friendly system:

Francisco's Dry Cleaners, 1830 182<sup>nd</sup> Street  
Spring Cleaners, 4958 190<sup>th</sup> Street  
Nu Way Cleaners, 328 Avenue I  
Anza Cleaners, 4626 Del Amo Boulevard  
Torrance Towne Cleaners, 2755 Pacific Coast Highway  
Starbrite Cleaners, 5205 Pacific Coast Highway  
Royale Dry Cleaners, 1342 Post Street  
Smile Cleaners, 18270 Prairie Avenue  
Country Hills Cleaners, 2913 Rolling Hills Road  
Mike III Cleaners, 2766 Sepulveda Boulevard

Representatives from Smile Cleaners and and Spring Cleaners were present at this meeting.

The Kim family, Myung, Jang and their son Sean, Smile Cleaners, 18270 Prairie Avenue, were presented Green Pride Awards, tee shirts, and mugs. It was noted that they have owned the business for 17 years, changed to the hydrocarbon-based cleaning system this year, and that customers are satisfied with the change.

Rose and Charlie Cho, Spring Cleaners, 4958 190<sup>th</sup> Street, were presented Green Pride Awards, tee shirts, and mugs. They stated that they have owned the establishment for three years and have always used the hydrocarbon-based system.

The Commission recessed briefly for a photo opportunity.

**8. ANIMAL MATTERS**

**8A. APPEAL OF A DANGEROUS DOG HEARING HELD SEPTEMBER 12, 2007,  
FOR OWNER RYAN BRENNAN, 718 AMAPOLA AVENUE**

Deputy Director Cessna introduced the item and requested that Commissioners hear a presentation by Animal Control officers, receive public input, review the material of record, and decide if the appeal should be granted or if the Hearing Officer's decision is appropriate and should be upheld.

Patrick Wren, Animal Control Staff Assistant, provided background on the appeal of a decision made at the September 10, 2007 Administrative Hearing to place dog Chucky with an Animal Sanctuary or to have him humanely destroyed. It was noted that the reason given for the appeal is that the finding was biased and that the dog is not a dangerous animal.

Animal Control Officer D'Amico described events that occurred on August 20, 2007 at 718 Amapola Avenue where he was first to arrive at the scene in response to a severe dog bite; the victim was a United States Postal Worker identified as Moon Choi. He stated that, due to the severity of injury and California State Code, Chucky was taken into custody and transported to Los Angeles County Animal Care and Control Facility in the City of Carson, was placed under quarantine, and is still there today.

Staff Assistant Wren reported that a dangerous dog hearing was scheduled due to the extent of the injury and noted that a written investigative narrative and report by Animal Control Officer D'Amico was included in agenda packets. He cited applicable Torrance Municipal Code sections and nine mitigating factors to be considered in determining whether a dog is dangerous. He reported that assessments, based on mitigating factors, show evidence that Chucky is a danger to humans, displays aggressive behavior towards other animals, is capable of jumping the front yard fence to run at large, and is capable of doing extensive damage to a human. He stated that the recommendation of Animal Control is that Chucky be humanely destroyed. He noted that Section 41.9.12 (a) prohibits a dog determined to be dangerous to reside in the City of Torrance and that Chucky appears to have a behavioral problem.

He briefly reviewed findings by Hearing Officer Cessna that Chucky meets the definition of a dangerous dog and that, given the severity of the attack and the history of problems with the dog, that Chucky either 1) be placed with a reputable animal sanctuary, outside of any urban area, if one can be found that will accept him, or 2) be humanely destroyed.

In response to Commissioner Watson's inquiry, Staff Assistant Wren discussed incidents that may have involved Chucky in the City of Redondo Beach from January 2003 to December 2005.

Responding to Commissioner Watson's inquiry, Officer D'Amico stated that Chucky was contained back on his property when he arrived at the scene.

When Commissioner Decker inquired if Chucky has bitten another human, Staff Assistant Wren responded that there was no documentation that Chucky bit another person but that two other dogs on the premises bit a person earlier this year.

At Chairperson McCabe's request, Staff Assistant Wren related three stray dog calls in Torrance and ten in the City of Redondo Beach, adding that there was no confirmation that Chucky was involved in the Torrance incidents and probably only once in Redondo Beach.

Staff Assistant Wren distributed photographs of Mr. Choi and his injuries.

In response to Commissioner Reilly's inquiry, Staff Assistant Wren stated that Chucky is licensed now but that his license was expired at the time of the biting. He added that there are three unlicensed dogs at the premises at the present time.

Commissioner Gobble received clarification that Chucky jumped over the 4-1/2 foot fence when he bit Mr. Choi.

Responding to Commissioner Decker's inquiry, Staff Assistant Wren stated that Mr. Choi had to have over 100 stitches and would need to undergo more reconstructive surgery.

**MOTION:** At 7:45 p.m., Commissioner Decker moved to open the public hearing. Commissioner Reilly seconded the motion, a voice vote reflected unanimous approval.

Renee Martin, 179<sup>th</sup> Street, read and entered into material of record a prepared statement. In it she stated that she visited the Brennan household three times and found Mr. Brennan to be a responsible dog owner. She also visited Chucky at the Carson shelter and found him to be gentle, kind, and loving.

She discussed misinformation, fear, and vilification of the pit bull, a media that thrives on sensationalism, and judgment based on appearance. She noted that statistics in California claim more dog bites from German shepherds and Rotweillers than pit bulls. She stated that Staff Assistant Wren was responsible for giving an unjust death sentence to Chucky without conducting sufficient research and commended Hearing Officer Cessna for giving Mr. Brennan another option for Chucky. She stated that there are discrepancies in the paperwork, that much of the evidence considered in the hearing did not involve Chucky, and that this evidence was used to prove that Chucky is a dangerous animal. She reviewed the nine points outlined in the Municipal Code and pointed out inaccuracies and discrepancies that were cited.

Ms. Martin distributed an October 3, 2007 letter from Kari Whitman, founder of Ace of Hearts Dog Rescue, in which Ms. Whitman expresses willingness to take possession of Chucky, put him through an intensive training program, and relocate him to a rural area with a qualified owner. Ms. Martin requested that Chucky be returned to Mr. Brennan who is willing to move out of Torrance; however, if it is decided not to return him to Mr. Brennan, that Ace of Hearts be Chucky's salvation.

In response to Chairperson McCabe's inquiry, Staff Assistant Wren advised that staff could conduct research to determine if Ace of Hearts is qualified as a sanctuary.

Commissioner Reilly received clarification that Chucky, Charles, and Charles D are the same dog.

Toni, 718 Amapola Avenue (no speaker card), stated that she has never been afraid of Mr. Brennan's dogs when she passes by his residence and expressed hope that there is a way to save and rehabilitate Chucky.

Ryan Brennan, 721 Amapola Avenue, appellant, expressed regret that the incident occurred and contended that it has been portrayed worse than it was. He explained that he was out of town at the time of the incident and that Chucky was in the care of his cousin. He related his understanding that Chucky jumped over the fence, bit Mr. Choi's face as he was landing, then jumped back over the fence and went inside. He stated that his dogs have been raised in a loving environment, have been vaccinated and socialized, and that he considers himself a responsible dog owner.

In response to Commissioner Watson's inquiry, he stated that his dogs are always kept on leashes when they are out of his yard.

At Commissioner Reilly's request, Mr. Brennan provided additional information regarding an incident that occurred in August 2006.

When Commissioner Chim pointed out that small children live next door to his residence, Mr. Brennan stated that Chucky would not go after a helpless child and that his neighbors have never addressed him about his dogs. He added that Chucky sensed Mr. Choi's fear, that postal carriers are the only people that Chucky has not been socialized with, and that Mr. Choi provoked him by stutter-stepping and running.

Chairperson McCabe stated that the basis for the appeal was proving that Chucky is not a dangerous dog, and that Mr. Brennan's definition of provocation was different than his own.

Mr. Brennan responded that for six years, until this incident, Chucky has never harmed anyone and has been raised to be around children.

Responding to Commissioner Gobble's inquiry, Mr. Brennan stated that Chucky has never been at large in the City of Torrance.

Commissioner Reilly received clarification from Mr. Brennan that he was willing to have Chucky placed in a sanctuary as an alternative to euthanization and that he has not visited the Ace of Hearts site in Malibu.

Bobby Harris, Supervisor of Customer Support, Torrance Post Office, stated that Mr. Choi received 100 stitches to his face, is undergoing reconstructive surgery, is having psychological issues, and will never carry mail again. She stated that this was a vicious dog attack and that the incident should not be trivialized.

Steve Kelly, West 79<sup>th</sup> Street, Los Angeles, stated that he has been a letter carrier in Torrance for 29 years. He stated that Mr. Choi bears no responsibility for what happened on August 20, 2007 and that Mr. Choi followed procedure. He stated that Chucky demonstrated aggressive behavior and should be euthanized.

Toni, 718 Amapola Avenue, spoke highly of Mr. Choi and suggested that Mr. Choi be asked how he feels about the situation.

**MOTION:** At 9:05 p.m. Commissioner Gobble moved to close the public hearing. Commissioner Decker seconded the motion; a voice vote reflected unanimous approval.

Commissioner Watson stated that there has been a pattern that has gone back several years but that the one critical and crucial incident should be the focus.

Commissioner Griffiths stated that Chucky has met the definition of a dangerous dog and that he supports the findings of the Administrative Hearing.

Commissioner Gobble expressed fear for the neighborhood if Chucky was returned to the residence, adding that Chucky has a viscous streak.

Commissioner Decker stated that she questions the effectiveness of rehabilitation for Chucky.

Commissioner Chim stated that, if the dog was a human being, he would be charged with attempted murder.

Chairperson McCabe stated that the purpose of the Code was to protect the public from harm and that Chucky clearly meets the definition of a dangerous animal.

He received clarification from Senior Environmental Quality Officer Jones that the Commission could deny the appeal and uphold the findings from the previous hearing or approve the appeal and make a determination as to what would be an appropriate finding. She stated that Ace of Hearts may satisfy the Administrative Hearing determination of a sanctuary but that it would need to be investigated by Animal Control.

Deputy Director Cessna stated that Ace of Hearts seems to meet the intent of the requirements if Animal Control is comfortable with the facility. She provided clarification that if the Commission approves the appeal, it is finding that Chucky is not a dangerous dog; if the Commission denies the appeal, it is upholding the findings of the Administrative Hearing.

Following a brief discussion, it was determined that liability for placement and any payment rests with the owner.

**MOTION:** Commissioner Gobble moved to deny Appeal 2007-18 and to direct City staff to research Ace of Hearts Dog Rescue as a possible sanctuary that would be acceptable for receiving Chucky within the 15 day time period. If Aces of Hearts is found to be unacceptable, the owner has the opportunity to appeal or find another location for Chucky as per the recommendation of the Administrative Hearing. The motion was seconded by Commissioner Decker; a roll call vote reflected unanimous approval.

Staff Assistant Wren stated that it would take a maximum of one week to research Aces of Hearts.

Commissioner Decker suggested that Mr. Brennan look for an alternative placement for Chucky in case Ace of Hearts was found to be unacceptable.

Deputy Director Cessna offered the suggestion that the owner file an appeal to City Council as a place holder, noting that an appeal has to be heard with 30 days.

**9. ENVIRONMENTAL MATTERS**

**9A. PRESENTATION OF GREEN PRIDE AWARDS**

Previously considered.

**9B. ENVIRONMENTAL ANNUAL REPORT**

Deferred to the November 1, 2007 Commission meeting.

**9C. SCHEDULING OF JOINT MEETING WITH CITY COUNCIL AND COMMISSION**

Deputy Director Cessna reported that the joint meeting is scheduled for December 11, 2007 at 5:30 p.m. in the Garden Room at Torrance City Hall. It was decided to determine the agenda at the November 1, 2007 Commission meeting.

**10. NEW BUSINESS**

**10A. SUBCOMMITTEE REPORTS**

**10A.1 ENERGY CONSERVATION/COOL CITIES**

Chairperson McCabe stated that the subcommittee met with Deputy Director Cessna and hoped to have some concrete recommendations to City Council by December 2007.

**10A.2 GREEN BUILDING/RECYCLING**

Commissioner Chim discussed three recent State legislative bills regarding green building that are on the Governor's desk awaiting his signature.

**10A.3 PUBLICITY/OUTREACH**

Commissioner Watson suggested talking with the graphics department to create a logo.

Deputy Director Cessna suggested that subcommittees meet during the first hour of the November 1, 2007 Commission meeting.

**11. ORAL COMMUNICATION**

**11A.** Commissioner Gobble announced the October 5, 2007 Chamber of Commerce breakfast meeting with Assemblyman Lieu and it was confirmed that all Commissioners planned to attend.

**11B.** Commissioner Griffiths requested an excused absence for the November 1, 2007 meeting.

**MOTION:** Commissioner Watson moved to grant an excused absence to Commissioner Griffiths for the November 1, 2007 Commission meeting. Commissioner Decker seconded the motion; a voice vote reflected unanimous approval.

**11C.** Commissioner Griffiths mentioned an electronic readerboard at SCROC and was informed by staff that Torrance Unified School District is not under City jurisdiction.

**11D.** Commissioner Griffiths announced a certified green building professional training by the Gas Company's Energy Resource Center in the City of Downey on November 2-3, 2007 as well as a workshop on in-house gas emissions on October 24, 2007.

**11E.** Commissioner Reilly commended Southern California Edison for its lamp swap out program at WalMart.

**11F.** Commissioner Watson announced an energy futuring meeting at Cal Tech's Beckman Auditorium on October 23, 2007.

**11G.** Commissioner Chim discussed reclaimed land and air pollution in Hong Kong and alternative energy cars that participated in the Lomita parade last weekend.

**11H.** Chairperson McCabe stated that he was also impressed with the light exchange at WalMart.

**11I.** Chairperson McCabe commended Deputy Director Cessna for her efforts on the Administrative Hearing.

**11J.** Deputy Director Cessna stated that five staff members would be attending a South Bay Cities of Government task meeting on October 11, 2007 and Commissioner Watson expressed interest in attending.

## **12. ADJOURNMENT**

**MOTION:** At 10:12 p.m., Commissioner Watson moved to adjourn the meeting to November 1, 2007 at 7:00 p.m. in the West Annex meeting room. The motion was seconded by Commissioner Decker and, hearing no objection, Chairperson McCabe so ordered.

Approved as Submitted November 1, 2007 s/ Sue Herbers, City Clerk
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